

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO: 11-175</b>
<b>v.</b>	*	<b>SECTION: A</b>
<b>MARK PELLEGRIN</b>	*	<b>VIOLATION: 18 U.S.C. §641</b>
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**FACTUAL BASIS**

Should this matter proceed to trial, the Government would produce the following competent testimony and evidence:

At trial, a representative from the Social Security Administration, a department or agency of the United States Government, would testify that the Social Security Administration may provide monthly payments to those qualified individuals who have a medical condition that prevents them from being employed. These payments are known as “Social Security Disability Benefits.” An individual receiving Social Security Disability Benefits is responsible for informing the Social Security Administration as to changes to his employment status or medical condition so that the Social Security Administration may accurately determine if he is still entitled to receipt of benefits. Following a trial work period of twelve months, if an individual is able to work and earn a monthly income above disability threshold amounts set by the Social

Security Administration each year, then he is no longer entitled to Social Security Disability Benefits.

Documentary evidence and testimony would be presented at trial to prove that on or about September 29, 1995, **MARK PELLEGRIN**, began receiving Social Security Disability Benefits. From on or about September 29, 1995 until on or about January 12, 2011, **PELLEGRIN** represented to the Social Security Administration that he was unable to maintain gainful employment because of his disability. **PELLEGRIN** was aware that he was required to inform the Social Security Administration if he became employed.

At trial, witnesses would testify that on or about September 13, 2005, **PELLEGRIN** became employed and continued to be gainfully employed to present. **PELLEGRIN** admits that he did not tell the Social Security Administration about his employment and was paid in cash to prevent the Social Security Administration from learning of his employment and discontinuing his benefit checks because his earnings were greater than the disability threshold amounts set by the Social Security Administration. On or about October 25, 2010, **PELLEGRIN** was interviewed by the Social Security Administration and lied about his employment status. In a signed written statement, **PELLEGRIN** told the Administration that he “had not been employed since the onset of [his] Social Security Disability Benefits in 1995. I have not performed services in return for pay for any employer. I have not been self-employed or have run my own business.” **PELLEGRIN** admitted to agents with the Social Security Administration-Office of Inspector General on November 10, 2010, that he had been working for the same employer since 2005. He worked for a year and half part time, 10-15 hours a week making \$20 an hour. In 2007, he worked full time 20-40 hours a week making \$20 an hour. He was paid in cash and told agents

that he believed that he believed he could “get away with not telling [the Social Security Administration.] **PELLEGRIN** admitted that in addition to his full time work he had also been periodically employed on handyman jobs making \$20 a hour and as a disc jockey making \$75 for each booking.

Although **PELLEGRIN** told the Social Security Administration on or about October 25, 2010, that his disability limited him to only being able to watch TV, work on the computer, and cut grass on a riding lawnmower for a half hour once a week, during their investigation, SSA-OIG agents saw **PELLEGRIN** driving a four-wheeler and unloading heavy metal pipe at his job site.

The government and **PELLEGRIN** agree to stipulate that the total loss to the United States Social Security Administration as a result of **PELLEGRIN**’s fraud and theft was not more than \$75,145.60. This amount accounts for all applicable grace periods and trial work periods that **PELLEGRIN** would have been eligible for during his initial return to work.

The above facts would have been proven beyond a reasonable doubt by credible testimony of fact witnesses, law enforcement officers of Social Security Administration Office of Inspector General, personnel of the Social Security Administration, and documentary evidence.

**READ AND APPROVED**

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EMILY K. GREENFIELD (LA Bar No. 28587)  
ASSISTANT UNITED STATES ATTORNEY

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SAMUEL SCILLITANI (LA Bar No. )  
COUNSEL FOR DEFENDANT

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MARK PELLEGRIN  
DEFENDANT

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Date